

# A Provincial Overview

**School Board/Teacher  
Collective Bargaining  
1984-85****Vol. 6 No. 1****Education Relations Commission****September 1984****1984-85 NEGOTIATIONS UPDATE**

**Settlements:** As of Sept. 25, 1984, 53 jurisdictions have reported settlements for 1984-85 (18 Elementary, 17 Secondary and 18 RCSS).

Jurisdictions for which detailed data are available are too few in number to warrant the compilation of statistics which normally comprise pages 3-8 of the Overview. Instead, we have provided a brief summary of settlements as they have been reported to the Commission through its monitoring activities. Additional information is provided in the Individual Summaries and more detailed data are available on request.

**Fact Finding:** To date fact finders have been appointed in 41 jurisdictions (6 Elementary, 31 Secondary, and 4 RCSS). Fourteen reports have been written, 12 of which have been released to the public.

**Mediation:** Mediators have been appointed in four Elementary jurisdictions, 33 Secondary jurisdictions (including separate appointments for Metro Secondary and each of the six local boards within Metro), and seven RCSS jurisdictions. All but three of the secondary appointments are pre-fact finding.

**Votes:** The following votes have been conducted:

Jurisdiction	Last Offer (to reject)	Strike (in favour)	Ratification (to ratify)
CAAT Support	88%	55*	77*
CAAT Academic	94*		
London Sec.	43%		
Sudbury Sec.	77%		

\*Unofficial

**RECENT ERC STAFF APPOINTMENTS**

Edward M. Aim, who has served as Director of Research Services since the Commission was formed, has been promoted to the position of Director of Field Services. Dr. Aim obtained a B.A. from Acadia University, and his M.B.A. and Ph.D. from the University of Toronto.

Craig A. Crawford, who has been a Research Specialist at the Commission since 1976, has been promoted to the position of Director of Research Services. Mr. Crawford holds both a B.A. and a M.A. from the University of Waterloo, and has completed the course work for a Ph.D. at York University. In 1979 he was seconded to the Matthews Commission which investigated the workings of and made recommendations concerning changes to the School Boards and Teachers Collective Negotiations Act.

Stephen Hawkins has been appointed to the position of Research Specialist. Dr. Hawkins obtained a B.A. from Queen's University, a M.A.Sc. from the University of Waterloo, a M.A. from the University of Toronto, and a Ph.D. from the University of Waterloo. He has a University background, experience in research methods, statistics and computing, and an interest in the sociology and history of education.

William A. Marcotte has been hired on a contract basis as Field Services Officer to fill the vacancy created by the resignation of Kathryn Mullin. Dr. Marcotte holds a B.A. from Loyola University, a M.Ed. from McGill University and an Ed.D. from the University of Toronto. He has experience as a negotiator on both sides of the bargaining table, and his more recent professional activities as fact finder, mediator and arbitrator have made him very knowledgeable in the field of teacher/school board bargaining.

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**PUBLICATIONS AVAILABLE**

Included in this mailing:

1984-85 Individual Summaries: 1st Update

**1984-85 SETTLEMENTS: REPORTS FROM THE FIELD**

The following table is based on verbal reports by the parties to Field Services. Please note: the data presented therein have not been verified by the Commission and are subject to change.

Jurisdiction	Estimated Increase (%)		A4 Max <sup>3</sup> (\$)
	On-Grid <sup>1</sup>	Total <sup>2</sup>	
Atikokan E.	7.00	10.10	43,263
Carleton E.	4.60	6.90	44,410
Dryden E.	3.25	5.08	45,669
Ft. Fran.-R.R. E.	(--Not Available--)		
Frontenac E.	4.00	6.10	43,890
Geraldton E.	(--Not Available--)		
Haldimand E.	3.00	4.94	43,416
Halton E.	(--Not Available--)		
Hastings E.	(--Not Available--)		
Hearst E.	3.90	8.00	42,640
Hornepayne E.	7.00	9.00-10.00	45,965
London E.	5.00	6.50-7.00	44,650
Nipigon-Red Rock E.	(--Not Available--)		
Perth E.	(--Not Available--)		
Prince Edward E.	4.00	5.01	41,983
Renfrew E.	3.60	5.50	43,734
W. Parry Sound E.	(-- Formula --)		
Windsor E.	4.30	4.95	43,903

Average Elementary A4 Max (n=11): 43,956

Atikokan S.	4.80	4.95	45,062
Carleton S.	4.50	7.00	44,461
Dryden S.	3.25	5.05	45,669
Elgin S.	4.90	6.90	44,390
Essex S.	4.30	5.80	44,300
Ft. Fran.-R.R. S.	6.00	7.00	43,900
Frontenac S.	4.50	6.60	44,290
Geraldton S.	(--Not Available--)		
Kirkland Lake S.	(--Not Available--)		
London S.	7.50	N.A.	44,650
Middlesex S.	4.50	5.86	44,209
Nipigon-R.R. S.	(--Not Available--)		
Nipissing S.	4.40	5.50	44,396
Renfrew S.	4.00	5.70	43,308
S. Ste. Marie S.	(--Not Available--)		
Windsor S.	4.60	4.90	44,372
York Region S.	4.30	6.20	45,193

Average Secondary A4 Max (n=13): 44,476

Bruce-Grey R.	2.40	5.20	40,874
Cochrane-I. F. R.	(--Not Available--)		
Essex R.	0.00	3.40	40,377
Geraldton R.	2.40	5.00	43,675
Hast.-Pr. Ed. R.	3.50	6.38	43,035
Huron-Perth R.	0.00	1.85	42,135
Kapuskasing R.	4.90	N.A. <sup>4</sup>	43,228
Kenora R.	0.00	5.30 <sup>4</sup>	41,558
Kent R.	3.25	5.08	41,580
Kirkland Lake R.	4.40	6.38	43,129
Lincoln R.	1.50	5.00	43,054
London-Middle R.	3.50	5.90	42,552
Ottawa R.	4.00	4.88	43,989
Peterborough-V.N.N. R.	(--Not Available--)		
Pres.-Russell R.	4.75	5.82	43,260
Renfrew R.	(--Not Available--)		
Timmins R.	5.65	7.32	42,190
Welland R.	3.00	5.08	43,193

Average R.C.S.S. A4 Max (n=15): 42,522

<sup>1</sup>Excludes increment and grid restoration.

<sup>2</sup>May include increment and grid restoration, and cost implications of category changes, improvements in benefit packages, staffing changes (redundancy, PTR, etc.), and other aspects of compensation.

<sup>3</sup>End rate.

<sup>4</sup>Includes \$1,000 per Teacher at D, C, & B maxima and \$800 per Teacher at A1 to A4 maxima.



## Final Offer Selection: A Review of the Process, 1975-76 to 1982-83

The School Boards and Teachers Collective Negotiations Act (Bill 100) provides the parties with two means of third-party resolution of interest disputes - Binding Arbitration and Final Offer Selection.

Of the 1,461 sets of negotiations which have been conducted since 1975-76, 51 have been resolved through binding arbitration and 13 have been settled by final offer selection.

The table below summarizes experience with the FOS procedure.

Date	School Board	Selector	Offer Selected	Followed Sanction
<b>1975-76</b>				
75-08-18	Muskoka S.	Ferguson	Board	No
75-10-29	Renfrew S.	Abbott	Teacher	No
76-04-13	Frontenac S.	Kruger	Teacher	No
76-06-17	C. Algoma S.*	Ferguson	Board	Yes
76-04-20	Perth S.	Kennedy	Teacher	No
<b>1976-77</b>				
76-06-24	Dufferin S.	Tirrell	Teacher	No
77-01-26	Coch. Iroq. E.	Fraser	Teacher	No
77-04-14	Haldimand S.	Swan	Board	No
<b>1977-78</b>				
78-05-29	Essex RCSS	Kennedy	Teacher	Yes
Undated	Ft. Fran RCSS	Teplitsky	Teacher	No
<b>1978/79</b>				
79-03-19	Dufferin S.	Kennedy	Teacher	No
<b>1979-80</b>				
80-01-30	E. Parry Sd. S.	Kennedy	Teacher	No
80-06-04	Lincoln S.	McLaren	Board	No

\*Legislated.

Since final offer selectors are required under the Act to select either the teachers' or the board's final offer, it is not surprising to find that FOS awards are more likely than arbitration awards to deal with a limited range of disputed issues. With the exception of one FOS, which contained 48 issues, the average number of items submitted to a selector is 3.8. This contrasts with an average of 11.7 issues submitted for resolution in the 51 interest arbitrations.

The nature of the issues placed before a final offer selector also differs from conventional interest arbitration. Although a wide range of issues have been addressed through final offer selection, the disputed issues tend to be related to matters of compensation (salary, allowance, and benefits) and are less likely to involve issues that concern staffing, workload and job security.

In contrast with interest arbitration, the parties' decision to enter into the FOS procedure seems to occur earlier in the negotiations process. For example, 69% of the FOS awards were issued without the parties having used all available third party resolution procedures (i.e., mediation and fact finding); this compares to 16% of the arbitration awards. Furthermore, only 15% of the FOS awards were issued subsequent to the use of sanctions, whereas 47% of arbitration awards were issued after sanctions had occurred.

Some specific guidelines have been offered by selectors which, if followed, may improve the FOS

procedure. These include (see K. Swan, Haldimand Secondary, 1976-77, p.11):

"The parties ought not to go to selection unless they propose to use the period from the reference to selection until the actual hearing for hard, face-to-face bargaining. The function of selection is to increase the pressure to settle; if the parties do not feel this pressure and use it to advantage, the process has failed before any selection can be made;

"The parties ought never to look to selection for a once-and-for-all answer to a particular dispute; unless only one matter is at issue, any answer is necessarily a relativistic one, discounted by the answers to all other matters in dispute;

"As the content of structural matters [e.g., matters of principle] in the total dispute increases, the parties ought to be less prepared to choose selection over arbitration; the consequences of a total loss for one side on a series of matters going to the heart of the collective bargaining relationship are too serious to be easily ignored...;

"Either both parties should proceed by way of written statements and replies [see Sections 41 and 43 of the Act], to be elaborated if necessary at the hearing, or neither should. In this case [Haldimand Secondary], much confusion was caused by the differing approaches, and procedure at the hearing was necessarily haphazard and repetitious in order to avoid the possibility that either party might have less than a full hearing on the issues."

The criteria used by selectors in choosing one package over another include:

"economic" criteria, such as salary comparisons, ability-to-pay, Consumer Price Index and total compensation;

in situations where monetary and non-monetary issues are involved, greatest emphasis is placed on the reasonableness or justifiability of the monetary issue; and

an onus is placed on the parties to make reasonable demands and to back them up with rationale. Issues which are excessive and/or unsupported by rationale may adversely affect the probability of the total package being acceptable to the selector.

In determining the reasonableness of a proposal, the selector may (see, e.g., R. Kennedy, Dufferin Secondary, 1978-79 pp. 9-14):

"review the prevalence of the proposed provision in other freely negotiated agreements to determine whether a trend exists;

examine the dimensions of the problem giving rise to the present proposal to establish whether there is a demonstrated need for the provision that is proposed by the party; and

assess whether the proposed solution to the problem will effectively deal with the problem."

For a more detailed analysis of the final offer selection process, the experience under Bill 100, and extensive extracts from the awards, please refer to the publication Final Offer Selection: A Summary Analysis of the Experience and Decisions under the School Boards and Teachers Collective Negotiations Act, 1975-76 to 1982-83 (Monograph No. 36). Copies of this publication are available on request.